

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5326 of 1995

FIRST APPEAL No 5327 of 1995

FIRST APPEAL No 5328 of 1995

A N D

FIRST APPEAL No 5329 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

STATE OF GUJARAT

Versus

VALLABH POPAT MEVALIA, HEIR OF POPAT POLA

Appearance:

MR. S.J.DAVE, AGP for Petitioner

Mr. R.C. Kakkad for Respondent

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 12/11/97

ORAL COMMON JUDGEMENT

1. In this group of appeals the state of Gujarat is aggrieved by the judgment and award of the Land Reference Court, i.e. 2nd Extra Assistant Judge, Gondal whereby the reference court has allowed the references preferred by the claimants and has slightly or nominally enhanced the amounts of compensation.

2. Notification under section 4 was published in Official Gazette on 22nd March, 1984 followed by Notification under section 6 dated 7th February, 1985. The award is passed by the Land Acquisition Officer on 29th March, 1985 awarding Rs.90/-per Are for Jirayat land and Rs.130/-per Are for Bagayat land.

3. Being aggrieved by the said award the claimants preferred the Land Reference Case Nos 158 to 161 of 1989. The court has raised the amounts of compensation from Rs.90/- per Are for Jirayat land to Rs.140/-per Are for Jirayat land and from Rs.130/-per Are for Bagayat land to Rs.210/-per Are for Bagayat land. If ultimately one looks to the additional amount or enhanced amount awarded it appears that the amount of award enhanced is too small or nominal calling for interference of this court. In fact the learned judge of this court M.H.Khadri,J has in the decision reported in the case of STATE OF GUJARAT vs MOTIBEN REVAMALJI reported in 1997(2) Gujarat Current Cases 1352 taken view that when the claims involved are of petty nature it has been consistent practice and view of the High Court including various Division Benches of the courts that such claims are not to be interfered with. Before the Ld.single judge the enhanced amount worked out to Rs.15,000/- and same was categorised as petty claim and the view was taken that the State ought not to have preferred appeal challenging the petty claims. In view of the aforesaid binding precedent of this court and even otherwise looking to the enhanced claim in the present group of appeals,this court is of the view that no interference is called for. Appeals are dismissed and the Government is directed to deposit the additional amount within eight weeks from today. There shall be no order as to costs on these First Appeals. costs.

4. In view of the order passed in the main matters, on order on Civil Application Nos. 6274, 6275, 6276 and 6277 of 1996. Notice is dishcarged in each Civil Application. Ad interim stay, if any, granted earlier shall stand vacated.
